



CANNON BUILDING  
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STATE OF DELAWARE  
**DEPARTMENT OF STATE**

DIVISION OF PROFESSIONAL REGULATION

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<b>PUBLIC MEETING MINUTES:</b>	<b>DELAWARE REAL ESTATE COMMISSION</b>
<b>MEETING DATE AND TIME:</b>	<b>Friday, November 12, 2010 at 9:00 a.m.</b>
<b>PLACE:</b>	861 Silver Lake Boulevard, Dover, Delaware <b>Conference Room A</b> , second floor of the Cannon Building
<b>MINUTES APPROVED:</b>	December 9, 2010

**MEMBERS PRESENT**

Vincent M. White, Professional Member, Chairman  
Christopher J. Whitfield, Professional Member, Secretary  
Patricia O'Brien, Public Member  
James C. Brannon, Jr., Public Member  
Denise Stokes, Public Member  
Ricky H. Allamong, Professional Member  
Michael Harrington, Sr., Professional Member

**DIVISION STAFF/ DEPUTY ATTORNEY GENERAL**

Eileen Heeney, Deputy Attorney General  
Gayle Melvin, Administrative Specialist III

**MEMBERS ABSENT**

Andrew Staton, Professional Member, Vice Chairman  
Gilbert Emory, Public Member

**ALSO PRESENT**

Stacey Stewart, Deputy Attorney General  
Anna Brunswick  
Marcia Brunswick  
Vera Seitz, Court Reporter  
Larry Tims  
Brenda Chrosniak  
Zionna Adamolekun

Tony Hernandez  
Mark Tomlin  
Layton Ward  
Sam Nickerson

### **CALL TO ORDER**

Mr. White called the meeting to order at 9:01 a.m. Mr. Harrington was welcomed to the Commission.

### **REVIEW OF MINUTES**

A motion was made by Mr. Allamong, seconded by Ms. Stokes to approve the minutes of the meeting held on October 15, 2010. The motion passed unanimously.

### **NEW BUSINESS**

#### **Applications for Licensure**

A motion was made by Mr. Allamong, seconded by Ms. Stokes to ratify the following new salesperson applicants as presented:

Sterling Eaton, Long & Foster, Bear, DE  
Sydney Stevenson, Prudential Fox & Roach, Wilmington, DE  
Brandon Glaviano, Patterson-Schwartz, Newark, DE  
Jacqueline Much, Keller Williams Real Estate, West Chester, PA  
Donald Macleary, Investment Property Services, Newport, DE  
Steven Chapman, Keller Williams Realty, Wilmington, DE  
Jamisha Harper, Keller Williams Realty, Christiana, DE  
Teresa Huddell, Re/Max Hometown Realtors, Media, PA  
Michelle Simmons, Next Real Estate, Middletown, DE  
Heather Powell, Long & Foster, Bear, DE  
Michael Talley, Lincoln Realty, Milmont Park, PA  
Megan Honeysett, Prudential Fox & Roach, Devon, PA  
Brian Doreste, Next Real Estate, Middletown, DE  
Yvette Smith, Next Real Estate, Middletown, DE  
Brynn Williams, Referral Realty Co., Wilmington, DE  
Barbara Adair, Weichert Realtors, Chadds Ford, PA  
Virginia Murani, Re/Max Central, Bear, DE

The motion passed unanimously.

The application of Kevin Minchew for a non-resident broker's license was reviewed. A motion was made by Ms. Stokes, seconded by Mr. Whitfield to approve this application. The motion passed unanimously.

The application of Robert Browning for a non-resident broker's license was reviewed. A motion was made by Mr. Whitfield, seconded by Ms. O'Brien to approve this application. The motion passed unanimously.

The application of Rita Conde for a resident broker's license was reviewed. A motion was made by Mr. Brannon, seconded by Ms. Stokes to approve this application. The motion passed unanimously.

The application of Ruth Sivils for a resident broker's license was reviewed. A motion was made by Mr. Brannon, seconded by Ms. Stokes to approve this application. The motion passed unanimously.

The application of Brenda Grinnage for a resident salesperson's license was reviewed. A motion was made by Mr. Allamong, seconded by Mr. Brannon to approve this application. The motion passed unanimously.

#### New Office

The application of Adazio Realty Associates for a new office was reviewed. A motion was made by Ms. O'Brien, seconded by Ms. Stokes to approve this application. The motion passed unanimously.

#### Reinstatement of Licenses

The application of Gregory Jones for reinstatement of a non-resident salesperson's license was reviewed. A motion was made by Mr. Brannon, seconded by Ms. O'Brien to approve Mr. Jones for reinstatement pending passing the state portion of the exam. The motion passed unanimously.

The application of Cher Jackson for reinstatement of a resident salesperson's license was reviewed. A motion was made by Mr. Whitfield, seconded by Ms. Stokes to approve Ms. Jackson for reinstatement. The motion passed unanimously.

#### Education Committee Report

##### Review of Results and Recommendations from Audit

Ms. Melvin reported that a total of 510 salespersons were audited. There were 440 licensees that passed the audit, 47 were deficient and 23 did not respond. Ms. Melvin also reported that a total of 102 brokers were audited. There were 100 licensees that passed the audit and 2 were deficient. Ms. Melvin asked that members look at their schedules and let her know their availability so rule to show cause hearings can be scheduled.

Mr. Allamong asked about having a code of ethics. He reported that some of the other states do have a code of ethics. A discussion was held about including a code of ethics in the rules and regulations.

##### Review Resume for Donna Klimowicz

The Commission reviewed the resume for Donna Klimowicz which was submitted to be considered for appointment to the Education Committee as a New Castle County professional member. A motion was made by Mr. Whitfield, seconded by Mr. Harrington to appoint Ms. Klimowicz to the Education Committee. The motion passed unanimously.

##### Recommendation to Approve and Deny Course Providers, Instructor Applications and Student Requests as Noted

A motion was made by Mr. Whitfield, seconded by Mr. Brannon to approve and deny course providers, instructor applications and student requests as noted in the minutes of the November 4, 2010 meeting of the Real Estate Education Committee. The motion passed unanimously.

Mr. Allamong advised Mr. Tims that the Education Committee should soon be receiving information for the 39 hour on-line law portion of the pre-licensing course from Frederick Academy for review.  
Review of Letter from Domenick Peronti Requesting to be Licensed With Two Offices

The Commission reviewed the letter from Domenick Peronti requesting to be licensed with two companies. A motion was made by Mr. Allamong, seconded by Mr. Harrington to allow Mr. Peronti to be licensed with two companies. The motion passed by majority vote. Mr. Whitfield abstained from the vote. Mr. White voted against the motion.

#### Status of Complaints

Complaint No. 02-03-07 – Closed  
Complaint No. 02-13-07 – Closed  
Complaint No. 02-20-08 – Closed  
Complaint No. 02-28-08 – Closed  
Complaint No. 02-31-08 – Hearing will be scheduled as soon as possible.  
Complaint No. 02-41-08 – Closed  
Complaint No. 02-49-09 – Referred to Attorney General's Office  
Complaint No. 02-30-10 – Assigned to Mr. Whitfield  
Complaint No. 02-31-10 – Assigned to Mr. White  
Complaint No. 02-32-10 – Assigned to Mr. Allamong  
Complaint No. 02-33-10 – Assigned to Mr. Staton

#### Case No. 02-40-07 – State's Motion to Have Witness Testify by Telephone

The Commission reviewed the state's motion to allow a witness to testify by telephone in Case No. 02-40-07 against Michele Spaulding. The witness has moved to Florida and it would be a significant financial burden for the witness to travel to Delaware to testify. A motion was made by Mr. Brannon, seconded by Ms. Stokes to approve the state's motion. Mr. Harrington proposed an amendment to the motion that the witness must appear by visual teleconference to testify. Mr. Brannon and Ms. Stokes did not accept the amendment to the motion. The motion passed by majority vote. Mr. Allamong and Mr. Harrington voted against the motion. Mr. Whitfield abstained from the vote.

#### **HEARINGS**

##### Case No. 02-22-07 Against John B. Wisner

Ms. Heeney called the formal hearing to order at 9:49 a.m. This hearing was held to receive evidence in the matter of Case No. 02-22-07 against John B. Wisner. Ms. Stokes recused herself since she was the contact person for the complaint. Present for the hearing were Stacey Stewart, Deputy Attorney General, and Layton Ward. Verbatim testimony was recorded by the court reporter.

Ms. Stewart presented her case. Ms. Stewart called Ms. Melvin as her first witness and Mr. Ward as her second witness. Both answered questions from Ms. Stewart and Commission members.

The Commission went off the record at 10:08 a.m. to hold deliberations. The Commission went back on the record at 10:22 a.m. A motion was made by Mr. Whitfield, seconded by Mr. Brannon that in Case No. 02-22-07 against John B. Wisner, the State has met its burden of proof on all three counts and Mr. Wisner's license shall be suspended for a minimum of two years. After two years, the license shall remain suspended unless the Commission votes to remove the suspension and Mr. Wisner has paid a

fine in the amount of \$3,000, \$1,000 for violation of § 2912(a), \$1,000 for violation of § 2912(a)(12) and § 2912(c). The motion passed unanimously. The hearing ended at 10:24 a.m.

Case No. 02-07-10 Against Mark E. Mueller

At the request of Mr. Mueller's attorney, a continuance was granted in Case No. 02-07-10. The hearing will be rescheduled for the January, 2011 meeting.

The Commission took a recess from 10:25 a.m. to 10:35 a.m.

**OLD BUSINESS**

Update on Review of Changes to the Seller's Disclosure Forms – Mr. Allamong

Mr. Allamong provided Commission members with an updated list of the changes to the seller's disclosure form for review. He reported that the Subcommittee to Review Statute Revisions had reviewed and voted on the changes. It was decided that Commission members will take this information with them and review for discussion at the next meeting.

Status of Complaints

Complaint Nos. 02-38-07 and 02-21-08 – Re-review Consent Agreements

The Commission re-reviewed the consent agreements for Complaint Nos. 02-38-07 and 02-21-08. Ms. Heeney advised that the Commission must make a decision based on the information contained in the consent agreements. A motion was made by Mr. Whitfield, seconded by Mr. Brannon to accept the consent agreement for Complaint No. 02-38-07. The motion passed unanimously. A motion was made by Mr. Whitfield, seconded by Mr. Brannon to accept the consent agreement for Complaint No. 02-21-08. The motion passed unanimously.

Sign Final Order from Rule to Show Cause Hearing Held for Richard Lundregan

The final order from the rule to show cause hearing held for Richard Lundregan was signed by Commission members.

The Commission took a recess from 10:55 a.m. to 11:30 a.m.

Mr. Nickerson introduced Mr. Hernandez and Mr. Tomlin to the Commission. Both have recently been hired in the Investigative Office.

Mr. White stated that the hearing for Case No. 02-25-08 against Anna Brunswick and Case No. 02-45-08 against Marcia Brunswick would start at 11:45 a.m. due to the witnesses not yet arriving.

**HEARING**

Case No. 02-25-08 Against Anna Brunswick and Case No. 02-45-08 Against Marcia Brunswick

Ms. Heeney called the formal hearing to order at 11:46 a.m. This hearing was held to receive evidence in the matter of Case No. 02-25-08 against Anna Brunswick and Case No. 02-45-08 against Marcia Brunswick. Mr. Givens, who is no longer a Commission member, was the contact person for these

complaints. Present for the hearing were Stacey Stewart, Deputy Attorney General, Sam Nickerson, Anna Brunswick and Marcia Brunswick. Verbatim testimony was recorded by the court reporter.

Ms. Stewart presented her case. Ms. Stewart called Mr. Nickerson as her first witness and Anna Brunswick as her second witness. Both answered questions from Ms. Stewart and Commission members. Next, Ms. Anna Brunswick and Ms. Marcia Brunswick gave testimony.

The Commission took a recess from 1:42 p.m. to 1:53 p.m.

The Commission went off the record at 1:53 p.m. to hold deliberations for Case No. 02-25-08 against Anna Brunswick. The Commission went back on the record at 2:11 p.m. A motion was made by Mr. Whitfield, seconded by Mr. Brannon that in Case No. 02-25-08 against Anna Brunswick, the State has met its burden of proof and that a cease and desist order be issued to Ms. Brunswick because she has violated the provisions of § 2906(c) in that she acted as a real estate salesperson without being licensed. The motion passed unanimously. The Commission went off the record at 2:13 p.m. to hold deliberations for Case No. 02-45-08 against Marcia Brunswick. The Commission went back on the record at 2:33 p.m. A motion was made by Mr. Harrington, seconded by Mr. Whitfield that the State has met its burden of proof and that Ms. Brunswick has violated the provisions of § 2912 (a) (1), (5), (6), (12) and Rules 5.2, 10.3 and 13.1. Ms. Marcia Brunswick's license will be placed on probation for a minimum of one year or until the following continuing education courses are completed: 3 hours in fair housing, 6 hours in property management, 3 hours in ethics and 3 hours in sales core course. Prior to the end of probation, Ms. Brunswick's broker of record must provide the Commission with a letter advising that she is a realtor in good standing and is complying with all of the guidelines of the statute and rules and regulations of the State of Delaware. The above required continuing education courses are in addition to the required continuing education for license renewal and her record will be flagged for audit for the 2012 renewal. The hearing ended at 2:38 p.m.

#### **OTHER BUSINESS BEFORE THE COMMISSION** (for discussion only)

Ms. Heeney updated the Commission on the status of the appeal for Case Nos. 02-16-09, 02-33-08 and 02-27-09 against Karen Kimbleton. Ms. Melvin will email the order from Judge Young to Commission members.

#### **PUBLIC COMMENT**

There was no public comment at this meeting.

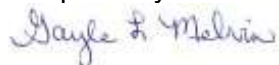
#### **NEXT SCHEDULED MEETING**

The next meeting will be held on Tuesday, November 30, 2010 at 9:00 a.m.

#### **ADJOURNMENT**

A motion was made by Mr. Brannon, seconded by Mr. Harrington to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 2:40 p.m.

Respectfully submitted,



Gayle L. Melvin  
Administrative Specialist III